

CUSTODY/PARENTING TIME (formerly known as “Visitation”)

1

Emergency Temporary Orders

**Part 1: Completing and Filing
the Court Papers
(Forms Packet)**



SELF SERVICE CENTER

EMERGENCY TEMPORARY ORDERS FOR CHILD CUSTODY OR PARENTING TIME (Formerly known as “VISITATION”)

COMPLETING AND FILING THE EMERGENCY PAPERS

(You must also complete and file papers for temporary orders to file for an emergency order)

How to assemble these documents

This packet contains court forms for filing ***“Emergency Temporary Orders.”*** Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRTE1ft	Table of forms in this packet	1
2	DRTE1k	Checklist for this packet	1
3	DRTE11f	<i>“Petition for Emergency Temporary Order”</i>	4
4	DRTE81f	<i>“Order to Appear”</i>	2
5	DRTE82f	<i>“Emergency Temporary Order”</i>	3

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SELF SERVICE CENTER

PETITION AND PAPERS FOR EMERGENCY TEMPORARY ORDERS CHECKLIST

Use the forms and instructions in this packet only if all of the following factors apply to your situation:

- ✓ You or the other party filed a petition for divorce, legal separation, or annulment, or a petition to establish child custody or parenting time (formerly known as “visitation”), **AND**
- ✓ You have filed or are filing a petition for temporary orders to get temporary child custody, parenting time, or support while you wait for the final order, **AND**
- ✓ Someone is about to cause serious bodily harm to another person immediately, or the health, safety, and welfare of a person is otherwise in serious and immediate jeopardy, **AND**
- ✓ You can give very specific facts about what the emergency is, and why the judge needs to take your case before everyone else who has been waiting for the judge, **AND**
- ✓ You are prepared to post a bond to pay for any costs this court action causes, if it turns out that what you said is not true, or the judge does not agree with you.
- ✓ **WARNING.** If you have filed a petition for emergency temporary orders in the Superior Court, Downtown Phoenix location and a judge or commissioner has denied your request, you cannot use these forms to prepare another petition for a temporary emergency order and file it in the Superior Court, Mesa location. Likewise, if you file your petition and a judge or commissioner denies it in the Superior Court, Mesa location, you cannot use these forms to prepare another petition and file it in the Downtown Phoenix location. If you have questions, you should see a lawyer for help.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self, Without a Lawyer or ☐ Petitioner or ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Case Number: _____

Name of Petitioner

PETITION FOR EMERGENCY TEMPORARY ORDER

- ☐ For Child Custody
☐ To Stop or Change Parenting Time
(formerly known as "Visitation")
☐ Other _____

Name of Respondent

- ☐ **WITHOUT NOTICE**, or
☐ **WITH NOTICE**

I, _____ **MAKE THE FOLLOWING**
(Name of Person asking for Emergency Order)

STATEMENTS TO THE COURT UNDER OATH pursuant to Rule 65(d) A.R.Civ.P.

1. **REASONS WHY I NEED THIS ORDER.** Explain in detail the emergency facts which now exist, what injury you fear could occur, why you need this Order immediately, and why an emergency order is the only way to solve the problem: (Use additional paper if necessary): _____

2. **NOTICE TO THE OTHER PARTY.** Answer one of the following about notice to the other party:

- ☐ **This is how I gave notice to the other party or his or her attorney:**
Whom I gave notice to: _____
When I gave notice: _____
How I gave notice: _____
- ☐ **This is how I tried to give notice to the other party or his or her attorney:**
Who I tried to give notice to: _____
When: _____
How: _____

☐ **I did not try to give advanced notice:** Explain what injury, loss or damage you would suffer if you gave the other party advance notice of this Petition. _____

3. PEOPLE INVOLVED. This Petition concerns the following people:

Name of Mother: _____
Name of Father: _____
Name of Other People: _____
Names of Children and their ages: _____

4. PETITION FOR TEMPORARY ORDERS: I filed a ***"Petition for Temporary Orders"*** on (date) _____ in the Superior Court of Arizona in Maricopa County. I have attached a copy of it to the Judge's/Commissioner's copy and the other party's copy of this Petition. (You cannot file this emergency petition unless you filed or are filing a ***"Petition for Temporary Orders."***)

5. DIVORCE OR OTHER PETITION: You cannot file this emergency petition unless you or the other party has already filed or you are filing one of the following petitions:

A. I or the other party filed in the Superior Court in Maricopa County a (check one box)

- ☐ ***"Petition for Divorce, or Legal Separation, or Annulment"***
☐ ***"Petition for Custody/Parenting time"*** (first court order for paternity and/or support has been established)
☐ ***"Petition for Parenting time"*** (first court order for paternity and/or support has been established)

B. Date Petition was filed _____.

6. INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE PARTIES OR THE CHILD(REN): Check the boxes that apply and then write in the information requested.

☐ **Current emergency cases:** To the best of my knowledge, there are no pending proceedings for emergency orders about the child(ren) in any other court. (If this is not a true statement, see a lawyer for help.)

☐ **Past emergency cases:** Either or both parties have filed for emergency court orders in the past. (If so, you must complete the following information. Use additional paper if necessary:)

Names of Parties: _____
Date of order, judgment, dismissal, etc. _____
Explain what order or judgment said, or basis for dismissal: _____

Court Case Number _____; Location of court (city and state): _____

7. ALL OTHER COURT CASES INVOLVING EITHER OR BOTH OF THE PARTIES:

Describe all other court cases that involve either or both of the parties, whether pending or not, including criminal cases. Complete all the information for each court order (use extra paper if necessary)

- A. Names of Parties: _____
B. Court Case Number: _____ Location of court (city and state): _____
C. What order or judgment said: _____

- D. Explain Type of Case: (Criminal, Order of Protection, Injunction Against Harassment, Divorce, Paternity, etc.) _____

Status of Case Now

- ☐ Final Order Entered; Case is Over. Date Order/Judgment signed: _____
☐ Hearing Date Set: On (date) _____ at (time) _____
Location/address: _____
☐ Other (explain in detail) _____

8. ANY OTHER GOVERNMENT AGENCY INVOLVEMENT WITH EITHER OR BOTH THESE PARTIES, OR THESE CHILDREN: State whether there have been or are any

complaints with or investigations by any government agency, including Child Protective Services, involving the parties or the child(ren). If so, explain the agency, date, type of case, and status of case right now.

9. CRIMES OF EITHER PARTY: Explain here if either parent or people involved with this Petition have been charged with committing a **dangerous crime** including child molestation or domestic violence:

I MAKE THE FOLLOWING REQUESTS TO THE COURT:

1. For a temporary emergency order as follows: Check the boxes that apply:

- ☐ Awarding me Temporary Emergency Custody of the child(ren) until a full court hearing.
☐ Entering a **"Temporary Emergency Order"** about Parenting time Rights.
☐ Other (explain): _____

2. For a court hearing when the parties can testify about the facts related to this **"Petition for a Temporary Emergency Order"** and the **"Petition for Temporary Orders,"** so that the judge can decide whether to continue or modify the terms of the Emergency Order.

3. For any other order that is in the best interests of the minor children named above.

OATH AND VERIFICATION OF PERSON FILING PETITION

STATE OF ARIZONA)
County of Maricopa)ss.

I, being duly sworn and under oath, state that I have read this Petition and all the statements in the Petition are accurate and complete to the best of my knowledge and belief. I am not filing this Petition to harass or to cause unnecessary delay or to increase the cost of litigation. I understand that if the judge finds that I did file this Petition for an improper purpose, the judge may order contempt or another sanction against me, including assessing me for any and all reasonable costs, attorney fees, or other expenses caused because of filing this Petition.

SIGNED:_____

SUBSCRIBED AND SWORN to before me this date: _____

by _____.

My Commission Expires:

Notary Public or Clerk:_____

Name of Person Filing: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) or ☐ Petitioner or ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

(Name of Petitioner)

Case Number _____

ORDER TO APPEAR IN COURT ON PETITION FOR EMERGENCY TEMPORARY ORDER

(Name of Respondent)

☐ About Child Custody
☐ About Parenting Time (formerly known as "visitation")
☐ Other _____

READ ME. This is an important Court Order that affects your rights. A Court Hearing is scheduled and you should attend if you want the Judge to hear your side of the matter. Read this Order carefully. If you do not understand this Order, contact a lawyer for help.

A Petition for Emergency Order was filed with the Court. Based on the Petition and all other documents filed with it, and pursuant to Arizona law,

IT IS ORDERED THAT YOU _____ appear at the time and place stated below so the Court can determine whether the relief asked for in the Petition for Emergency Orders should be granted.

INFORMATION ABOUT THE COURT HEARING TO BE HELD:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: Superior Court of Arizona in Maricopa County

- ☐ 201 West Jefferson, _____ Floor, Phoenix, Arizona 85003 **OR**
☐ 222 East Javelina, _____ Floor, Mesa, Arizona 85210 **OR**
☐ 14264 W. Tierra Buena Lane, _____ Floor, Surprise, Arizona 85374

At the hearing the judge will listen to the testimony from both parties and their witnesses and decide whether to grant the Emergency Order, or if an Emergency Order is already issued, whether to modify or revoke it, and whether any other orders should be entered. The judge may also decide which party will be ordered to pay the filing and other court fees caused as a result of the filing of the **"Petition for Emergency Order."**

The party who petitioned for this Order must serve on the other party a copy of the ***"Petition for Emergency Order"*** a copy of this Order, and copies of any other documents upon which the Petition was based. The copies of the papers must be served at least _____ days before the hearing.

DONE IN OPEN COURT: _____
JUDGE/COMMISSIONER OF THE SUPERIOR COURT

READ ME. This is a 15-minute proceeding with the court. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

Name of Person Filing: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) or ☐ Petitioner or ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Name of Petitioner

Case Number _____

Name of Respondent

EMERGENCY TEMPORARY ORDER REGARDING

- ☐ Child Custody
☐ Child Visitation
☐ Other: _____
☐ Without Advance Notice

**THIS IS AN IMPORTANT COURT ORDER THAT AFFECTS YOUR RIGHTS. READ THIS ORDER CAREFULLY.
IF YOU DO NOT UNDERSTAND THIS ORDER, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

THE COURT FINDS:

1. INFORMATION ABOUT PETITIONS.

A "Petition for Dissolution of Marriage, or Legal Separation, or Custody/Visitation" was filed on _____ by _____.

A "Petition for Temporary Orders" was filed on _____ by _____.

A "Petition for Emergency Temporary Orders" was filed on _____ by _____.

The Court read the Petition, took testimony if relevant, considered all matters and issues an emergency temporary order.

2. EMERGENCY SITUATION. The court has found that an emergency exists and this order must be entered immediately to avoid irreparable harm because:

- ☐ Someone is about to cause serious bodily harm to another person immediately, OR
☐ The health, safety, and welfare of a person is otherwise in serious and immediate jeopardy as follows (describe): _____

3. NO ADVANCE NOTICE. Applicable only if this is an Emergency Order Without Advance Notice:

- ☐ Advance notice of this order was not required to be given to the other party or his or her attorney or others entitled to prior notice because:
☐ The petitioning party tried with due diligence to give advanced notice to all parties but was unable;
or

- ☐ Advanced notice is not required because to do so would result in immediate and irreparable injury, loss, or damage to the petitioning party before the other party can be heard.

4. BEST INTEREST OF THE CHILDREN. This order is made in the best interest of the following child(ren):

Name _____
Name _____
Name _____

Date of Birth _____
Date of Birth _____
Date of Birth _____

THE COURT ORDERS:

1. ☐ **EMERGENCY TEMPORARY CHILD CUSTODY** is awarded to _____ as follows: _____

2. ☐ **EMERGENCY TEMPORARY VISITATION** shall be as follows: _____

3. ☐ **OTHER EMERGENCY TEMPORARY ORDERS:** _____

4. ☐ **THIS ORDER SHALL CONTINUE** until:
☐ _____ (date), OR
☐ **for Emergency Orders Without Notice** until (date) _____ unless extended by the court, or by agreement between the parties in writing and filed with this court.
5. ☐ **SERVICE AND NOTICE TO THE OTHER PARTY:**
☐ **NO NOTICE GIVEN PRIOR TO FILING THE PETITION FOR EMERGENCY TEMPORARY ORDERS.** The person who requested this Order shall personally serve or give actual notice to the other party by serving the following documents:
a. "Petition for Dissolution, or Legal Separation, or Annulment, or Custody/Visitation" and
b. "**Petition for Temporary Order**" and
c. "**Petition for Emergency Temporary Order**" and
d. A copy of this Order, and

- e. A copy of the ***“Order to Appear”*** and
- f. A copy of all other documents filed in support of all Petitions, and
- g. A blank copy of the ***“Affidavit of Financial Information”*** and the ***“Parent’s Child Support Worksheet”*** (if child support requested), and
- i. A copy of the ***“Domestic Relations Department Notice about Conferences in Commissioners’ Courts”***
- j. A copy of the ***“Domestic Relations Department Notice about Temporary Orders”*** Proceedings.

☐ **NOTICE GIVEN PRIOR TO FILING THE PETITION FOR EMERGENCY TEMPORARY ORDERS BUT THE OTHER PARTY FAILS TO APPEAR OR RESPOND.**

The person who requested this Order shall personally serve or give actual notice to the other party by serving the following documents:

- a. A copy of this ***“Emergency Temporary Order”*** and
- b. A copy of the ***“Order to Appear”*** (if signed by the judge)

6. ☐ **BOND** in the amount of \$_____ shall be posted by _____ (except by the State of Arizona) with the Clerk of the Court no later than (date/time) _____ as security for the payment of costs and damages that may be incurred or suffered by any party who is wrongfully ordered not to do something according to this Order.

7. ☐ **IMPORTANT NOTICE TO THE PARTIES.** An ***“Order to Appear”*** has also been entered for the judge to hear the testimony of both sides to this dispute, and to decide whether to extend, change, or cancel this Order. The person who asked for this Emergency Temporary Order is required to serve upon the other party a copy of that Order to Appear. Be sure you know when the hearing is scheduled and come to the hearing. Failure to come could result in a civil arrest warrant being issued against you.

DONE IN OPEN COURT: _____
(Date and Time)

**JUDGE/COMMISSIONER
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**